

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 1, 2005

Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Rick Cline from the Central Church of Christ, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the October 18, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation

"Geography Awareness Week."

Mayor Mayans read aloud the proclamation.

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that Item 7C be pulled for discussion.

Motion--carried

Mayans moved to approve Consent Items 1 through 17H, except for Item 7C. Motion carried 7 to 0.

BOARD OF BIDS**REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 24 AND OCTOBER 31, 2005.**

Bids were opened October 21 and October 28, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (448-90023/735275/470946) Does not affect existing traffic. (District V)

Nowak Construction – \$80,699.00

2005 Sanitary Sewer Reconstruction (Planeview), Phase 11 - south of Pawnee, east of Hillside. (468-83923a/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$61,000.00

Traffic signal at Maize & Newmarket Square to serve Newmarket Square Addition - north of 21st Street North, west of Maize. (472-84276/765961/490075) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Sims Electric - \$94,630.00

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Aksarben from the south line of the Plat, north to the north line of Lot 19, Block A; Decker from the east line of Aksarben, north to the south line of Kiwi; Kiwi from the east line of Aksarben, east to the west line of Lot 7, Block E; Aksarben Court from the west line of Aksarben, west to and including the cul-de-sac; Sidewalk on one side of Aksarben, Decker and Kiwi to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (472-84104/765934/490047) Does not affect existing traffic. (District V)

Ritchie Paving - \$279,723.17

Den Hollow from the north line of Westlakes Parkway to the east line of Lot 119, Block 1; Westlakes Parkway from the west line of Den Hollow to the east line of Den Hollow; Wild Thicket Court serving Lots 119 through 130, Block 1, from the north line of Wild Thicket to and including the cul-de-sac; Den Hollow Court serving Lots 130 through 141, Block 1, from the north line of Den Hollow to and including the cul-de-sac to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-84213/ 765937 /490050); Wild Thicket from the north line of Westlakes Parkway to the east line of Lot 119, Block 1; Wild Thicket Courts, serving Lots 105 through 119, Block 1 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (472-84214/765962/490076); AND; Westlakes Parkway from the west line of Lot 101, Block 1, to the west line of Lot 146, Block 1; Sidewalk on the north side of Westlakes Parkway to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (472-84277/765963/490077) Does not affect existing traffic. (District V)

Ritchie Paving - \$415,151.55 (Total Aggregate bid)

2005-2006 CDBG sidewalk improvements - north of Central, east of Seneca. (472-84164/092005/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV)

Barkley Construction - \$90,000.00 (Engineer's Estimate)

I-235 and Zoo Boulevard median modifications to extend left turn lane southeast of Westdale/I-235 - I-235 & Zoo Blvd. (472-83986/706889/204355) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Barkley Construction - \$218,000.00

Water distribution system to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (448-90013/735278/470949) Does not affect existing traffic. (District V)

McCullough Excavation - \$40,100.00

Lateral 11, Main 7 Northwest Interceptor Sewer to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (468-83900/744146/480834) Does not affect existing traffic. (District V)

WB Carter Construction - \$48,660.00

Lateral 373 Four Mile Creek Sewer to serve Prairie Pond Plaza Addition - north of Kellogg, east of 143rd Street East. (468-83940/744122/480810) Does not affect existing traffic. (District II)

WB Carter Construction - \$94,000.00

Lateral 381 Four Mile Creek Sewer to serve Brentwood South Addition - north of Pawnee, east of Webb. (468-84071/744143/480831) Does not affect existing traffic. (District II)

McCullough Excavation - \$74,750.00

Water Distribution System to serve Brentwood South Addition - north of Pawnee, east of Webb. (448-90111/735274/470945) Does not affect existing traffic. (District II)

Padgett Excavation - \$42,479.50

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Yosemite from the southwest line of Lot 17, Block B, north to the northwest line of the plat; Dallas from the southeast line of Greenfield; Sidewalk on Yosemite and Dallas to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (472-84188/765942/490055) AND Greenfield from the south line of Dallas, south and east to the east line of the plat; Dallas from the east line of Lot 23, Block A, to the east line of Lot 22, Block A; Dallas Circle from the east line of Lot 22, Block A, east to and including the cul-de-sac; Sidewalk on Greenfield and Dallas to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (472-84191/765964 /490079) Does not affect existing traffic. (District V)

Kansas Paving Company - \$236,821.25 (Total aggregate bid)

Lateral 330 Four Mile Creek Sewer to serve Meadowland Addition - north of Kellogg, east of 143rd Street East. (468-83415/744150/480838) Does not affect existing traffic. (District II)

WB Carter Construction - \$49,310.00

Water distribution system to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (448-90009/735272/470943) Does not affect existing traffic. (District V)

Padgett Excavation - \$46,138.36

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

IT/IS DEPARTMENT: Installation of Mobile Radio Modem.

Global Mounting Solutions Inc. - \$27,000.00*

*Estimate – Contract approved on unit cost basis; refer to attachments.

FIRE DEPARTMENT/SAFETY DIVISION: Stanley Hydraulic Tools.

Steffen Inc.* - \$79,417.40

*Purchase utilizing Sole Source of Supply - Ordinance No. 35-856-Section 2(b).

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: 40 (forty) Motorola Astro XLT5000 Mobile Radios for Police Vehicles.

Motorola Inc.* \$156,464.00 (per the State of Kansas Contract #28440)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

INFORMATION TECHNOLOGY DEPARTMENT/APPLICATION SUPPORT DIVISION: Software for AVL Laptops – Calls/RQ502128.

Software House International* - \$55,806.00 (Per State of Kansas Contract #07359)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Vertical Line Shaft Turbine Pump.

Clarke Well & Equipment Inc.-\$33,120.00 (Group 1/Base Bid)

\$ 6,624.00 (Group 1/Option 1)

\$39,744.00 (Total)

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LIBRARY DEPARTMENT/DIVISION: Unarmed Security Services for Library.

The Wackenhut Corporation* - \$33,537.66 (Group 1/Total Net Bid)

*Tie Bid (Selected by coin toss)

HOUSING SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION; AND
WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Chillers, Boilers &
Pumps Maintenance Service.

The Waldinger Corp - \$3,705.96* (Group 1/Total Net Bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

VARIOUS DEPARTMENTS, BOARDS & AGENCIES/VARIOUS DIVISIONS: Asphalt – Hot &
Cold Mix.

Ritchie Paving -\$ 52,900.00* (Group 1/Total Net Bid)

\$ 40,350.00 *(Group 2/Total Net Bid)

\$198,000.00*(Group 3/Total Net Bid)

*Estimates – Contract approved on unit cost basis; refer to attachments.

VARIOUS DEPARTMENTS, BOARDS & AGENCIES/DIVISIONS: Lubricating Oil, Gear Oil,
Grease, and Transmission.

Universal Lubricants Inc. - \$100,584.05*

*Estimate – Contract approved on unit cost basis; refer to attachments.

PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Wabash Valley Site
Furnishing.

Fry & Associates* - \$40,367.40

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856- Section 2. (b)

Motion-carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and
best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB LICENSE

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Maria de Lourdes	Crystal Mexican Taqueria*	1721 North Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the license subject to Staff review and approval be approved. Motion carried
7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Storm Water Drain #241 to serve Copper Gate North Addition - north of 13th Street North,
west of 135th Street West. (468-83908/751396/485287) Does not affect existing traffic.
(District V) - \$142,000.00
- b) Storm Water Sewer #614 to serve Maple Shade Addition - east of Webb, north of Pawnee.
(468-83995/751407/485298) Does not affect existing traffic. (District II) - \$90,000.00

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- c) Reca from the north line of Lot 10, Block D, north to Thurman; Nantucket from Reca east to the west line of Lot 16, Block D; 15th Street North from Reca to the west line of Lot 6, Block B to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (472-83936/765948/490061) Does not affect existing traffic. (District V) - \$171,000.00
- d) Conrey from the west line of Lot 14, Block A, east to the east line of Forest Ridge; Forest Ridge from the north line of Conrey, south and east to the east line of Lake Ridge; Lake Ridge from the south line of Forest Ridge south to the south line of the plat; Lake Ridge Court from the east line of Lake Ridge, east to and including the cul-de-sac; Forest Ridge Court (Lots 20 thru 29, Block A), from the east line of Forest Ridge east to and including the cul-de-sac; Forest Ridge Court (Lots 30 thru 45, Block A), from the east line of Forest Ridge east to and including the cul-de-sac; Conrey Court from the south line of Conrey, south to and including the cul-de-sac; Sidewalk on Conrey, Forest Ridge and Lake Ridge to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (472-84262/765954/490067) Does not affect existing traffic. (District V) - \$717,000.00
- e) 2006 KLINK (FY2006) Street Resurfacing Project (Diamond Grinding) and Shoulder Repair on US-54/US-400 Kellogg - from 119th West to 111th West. (472-84160/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$260,000.00
- f) The cost of Intersection of Harry at Longford (472-83998/706907/204-373) (District II) - Total Estimated Cost \$15,000.00
- g) Mainsgate from the south line of Lot 7, Block C, north and east to the west line of Eagle; Wawona from the north line of Mainsgate, north to the north line of the plat; Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate; Mainsgate Court from the north line of Mainsgate, north to and including the cul-de-sac; Sidewalk along one side of Mainsgate, Wawona and Eagle to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83485/765947/490060) Does not affect existing traffic. (District II) - \$317,000.00
- h) Manchester from the north line of Lot 3, Block 3, to the north line of Lot 10, Block 3; Havenhurst from the west line of Manchester to the west line of Lot 21, Block 4, Prairie Point Addition; Sidewalk along the west side of Manchester from the south line of Lot 32, Block 4 to the north line of Lot 30, Block 4, and the south side of Havenhurst from the east line of Lot 20, Block 4, to the west line of Lot 21, Block 4 to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (472-84042/765958 /490071) Does not affect existing traffic. (District V) - \$274,000.00
- i) Lateral 2, Main 7 Northwest Interceptor Sewer to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (468-83808/744144/480832) Does not affect existing traffic. (District V) - \$130,500.00
- j) Water Distribution System to serve Prairie Pointe and Prairie Pointe 2nd Additions - north of 37th Street North, west of Maize. (448-89951/735276/470947) Does not affect existing traffic. (District V) - \$52,400.00
- k) Stormwater Sewer Improvements Cessna Park Inlet Channel - south of Mt. Vernon Road, west of Woodlawn. (468-84083/660514/855104) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$69,657.46
- l) Drainage Improvements to serve Comotara Subdivision (west of Woodlawn, north of Mainsgate. (468-84057/660506/854116. Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$63,200.00
- m) Lateral 5, Main 19 Southwest Interceptor Sewer to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge Road. (468-83451/744139/480827) Does not affect existing traffic. (District V) - \$315,600.00

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- n) Cost of Storm Water Drain No. 264 to serve Avalon Park 3rd Addition - north of 37th Street North, east of Tyler. (468-84011/751401/485/292) (District V) Total estimated cost - \$166,005.00.
- o) Cost of Storm Water Drain No. 265 to serve Avalon Park 3rd Addition - north of 37th Street North, east of Tyler. (468-84012/751402/485-293) (District V) – Total estimated cost \$225,038.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITIONS FOR PUBLIC IMPROVEMENTS:

MEDITERR. PLAZA CONSTRUCT ACCELERATION/DECELERATION AND LEFT TURN LANES TO SERVE PART OF MEDITERRANEAN PLAZA ADDITION, EAST OF ROCK, NORTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0959

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve access to a new apartment complex located east of Rock, north of 29th St. North.

The Petition totals \$70,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-536

Resolution of findings of advisability and Resolution authorizing removal of existing pavement infrastructure and constructed pavement improvements on 29th Street east of Penstemon to serve Lots 16 and 17, Mediterranean Plaza Addition (east of Rock, north of 29th Street north) 472-84278, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

R & P ADDITION CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE R & P ADDITION, SOUTH OF HARRY, WEST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 05-0960

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide water service to an existing single family home.

The Petition totals \$12,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-537

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90127 (south of Harry, west of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District II Advisory Board, August 1, 2005
District V Advisory Board, August 1, 2005
Wichita Employees' Retirement System, August 24, 2005
Wichita Employees' Retirement Board/Police & Fire Retirement Board, September 1, 2005
District V Advisory Board, September 6, 2005
Board of Park Commissioners, September 10, 2005
District VI Advisory Board, September 12, 2005
Wichita Airport Advisory Board, September 12, 2005
Board of Codes Standards and Appeals, September 12, 2005
District II Advisory Board, September 19, 2005
Wichita Public Library Board, September 20, 2005

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

AGREEMENTS/CONTRACTS:

SEWER MASTER PLN SANITARY SEWER MASTER PLAN UPDATE-AGREEMENT.

Agenda Report No. 05-0961

In 1992, the City Council approved a Sanitary Sewer Master Plan and associated projects. The 1992 Sewer Master Plan was the first such undertaking since 1971 and assessed the City's sanitary sewer service area needs through the year 2010. After adopting the plan, Staff recommended that the City update the plan on a routine basis to insure that recommendations and the projects being implemented were still relevant to the City's current needs.

Requests for Proposals were sent and on April 27, 2005, the Staff Screening and Selection Committee selected Professional Engineering Consultants, P.A., and Burns & McDonnell Engineers for the update. Working as a team, they developed the scope of work and an Agreement to present to the City for the updated plan. City Council approved the plan on March 1, 2005.

The Agreement is for \$329,274 and funding is available in CIP S-508, Sewer Master Plan Update. CIP S-508 included funding of \$250,000 for the 2005 update; however, it was determined that an additional \$100,000 was required to complete the update. On August 9, 2005, City Council approved the transfer of \$100,000 from CIP S-5, Sewer Mains for Future Development, to CIP S-508 for the Sewer Master Plan.

The Law Department has reviewed the Agreement and approved it as to form.

Motion--
--carried Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I- SUPPLEMENTAL AGREEMENT.

Agenda Report No. 05-0962

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

Nov. 5, 2002, City Council approved Supplemental Agreement No. 1, for additional archeological services necessary to evaluate the impact of the discovery of a pre-historic artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No.3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

July 12, 2005 the City Council Approved Supplemental Agreement No. 6 that included services to conduct a full scale aquifer test at one of the proposed diversion well sites, and Supplemental Agreement No. 7 that included engineering services to upgrade the electrical system in the Equus Beds Wellfield.

To comply with the requirements established by the GMD and the state for each diversion well, the well must be constructed and tested. The first test well that was completed as part of Supplemental Agreement No. 6 did not divert as much water from the river as had been predicted, signifying the importance of doing a well test. Supplemental Agreement No. 8 includes the cost of drilling the well (thereby reducing the cost of the construction phase by that amount) and the engineering services to observe the construction, conduct the appropriate pump tests and analyze the results. It includes the construction of a full-scale well at one of the established sites that has a water appropriation from the state and that has the capacity to be used as a diversion well for the permanent diversion and recharge facilities.

Doing test pumping will help to assure that the City will be constructing facilities that meet its needs and comply with regulatory requirements, and assures that the City makes the proper investment for water diversion facilities in this phase of the ASR project.

The cost for the construction of the well, the well testing and the subsequent engineering analysis will not exceed \$235,000. Funding is included in the CIP in W-549, Water Supply Plan Phase III, which has available funding of over \$7.6 million in 2005.

The Law Department will approve Supplemental Agreement No. 8 as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 8 with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 7 to 0.

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(Item 7C) BIKE PATH

BIKE PATH ALONG GYPSUM CREEK FROM I-135 TO TURNPIKE. (DISTRICT III)- SUPPLEMENTAL.

Agenda Report No. 05-0963

The 2004 Capital Improvement Program includes funding for constructing a bike path along Gypsum Creek from I-135 to Turnpike. The Staff Screening & Selection Committee selected Ruggles & Bohm, P.A. (R&B) for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. for designing the bike path for a fee of \$61,300.

The original scope of services provided for a portion of the Gypsum Creek Bike Path to parallel the I-135 Canal Route on the west side in Kansas Department of Transportation (KDOT) right-of-way from Carson to Wassall. Because of complications with putting the path in KDOT right-of-way, a better route for this section has been found that will require additional design work. The proposed Supplemental Agreement provides for the additional design services.

Payment to R&B will be on a lump sum basis of \$21,800, and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Council Member Skelton Council Member Skelton asked staff for clarification on this project.

Chris Carrier Director of Public Works explained that this is the bike path along Gypsum Creek from I-135 east to the Kansas Turnpike and a project that they started design on over a year ago. Stated that it has been a difficult project and have been a lot of issues raised as to where the path is going to go. Stated that they have run into problems with KDOT and some right-of-way with I-135 down to where it would cross at the pedestrian crossing near Wassall Street. Stated that he does not think that they will be able to go down along the I-135 right-of-way from Pawnee down to Wassall, so they are asking their consultant to take another look at that routing to see if there is another way to get from Pawnee down to where they need to go. Stated that are looking at a path along Southeast Boulevard, possibly Minneapolis or somewhere in between there. Stated that they have not picked an alternate alignment and will ask the consultant to look at that and will bring back to the DAB and get their input before they make a final decision on where it needs to go and then proceed with the design.

Motion-- Skelton moved that the Supplemental Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT:

FAWN GROVE

FAWN GROVE AT SUNSET LAKES ADDITION, SOUTH OF KELLOGG, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0964

The City Council approved the water distribution system, sanitary sewer and street paving improvements in Fawn Grove at Sunset Lakes Addition on October 18, 2005.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water, sanitary sewer and paving in Fawn Grove at Sunset Lakes Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$32,200, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

PROPERTY ACQ.

A PORTION OF 960 EAST PAWNEE FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0966

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels. To date, 20 tracts have been acquired. One of the remaining acquisitions is a partial acquisition of 960 East Pawnee. The project requires a 365.5 square foot triangle from the corner of the property and a temporary easement along the east and south sides of the parcel.

The acquisitions were appraised for \$7,960. The owner has agreed to accept \$12,000. In addition, a pole sign owned by the tenant will need to be relocated at an estimated cost of \$2,000.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$15,000 is requested. This includes \$12,000 for the acquisition, \$2,000 for relocation, and \$1,000 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATER SUPPLY

PERMANENT EASEMENTS FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 05-0967

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Eleven of the twenty-two have been secured. Three additional landowners (Schmidt, Thelman and Wendling) of the identified sites have agreed to provide these pipeline easements and temporary construction easements to the City of Wichita for a respective \$7,735 or the equivalent to \$1,500 per acre.

A budget of \$8,335 is requested; this includes \$7,735 for acquisition and \$600 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and the permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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1400 N. BROADWAY LAND IN THE 1400 BLOCK OF NORTH BROADWAY ALONG THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0968

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Avenue and Wichita Street to 15th Street and Broadway. With this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The City has reviewed the former corridor and decided that it could be developed as a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th Street.

Service access for the restaurant at 1515 North Broadway is from 14th Street over the east portion of the abandoned rail corridor. The City has previously acquired the reversionary rights to the portion of the corridor impacted by the drive. The restaurant also owns the parking lot at the northeast corner of 14th and Market. The corridor project requires a portion of the abandoned corridor adjacent to this parking lot. The restaurant has agreed to deed the land required for the corridor project in exchange for the City's rights to the land utilized for the drive.

A budget of \$25 is requested for the recording of the deeds associated with the transaction. The funding source is previously approved CDBG funds.

The Law Department has approved the contract as to form.

Motion-- Mayans moved that the budget be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

QTRLY FIN. REPORT QUARTERLY FINANCIAL REPORT, SEPTEMBER 30, 2005.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

EXPENSE REPORT EXPENSE REPORT FOR SENIOR MANAGEMENT FOR MONTH OF SEPTEMBER 2005.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

WATER MAIN 16-INCH WATER MAIN IN RIDGE ROAD FROM MACARTHUR TO 36TH STREET SOUTH. (DISTRICT IV)

Agenda Report No. 05-0969

The 1999 Water Master Plan identified water looping needs in the southeast portion of the Wichita water distribution system. Additionally, the Metropolitan Area Planning Department has identified growth in this same southeast area.

The City Council approved a Water Master Plan Update on April 8, 2003. Burns and McDonnell were selected as consultant engineers for the update. In the process of updating the water distribution water model and analyzing the water distribution system, which included the latest growth predictions by MAPD, Burns and McDonnell recommended that the 16-inch Water Main in Ridge Road from MacArthur to 36th Street South be constructed.

The Capital Improvement Program project CIP W-842, Ridge, MacArthur to 36th St S (16"), is included in the 2005 approved CIP. The budget for the project is \$260,000 and will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The Law Department has approved the Resolution as to form.

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Motion--carried

Mayans moved that the expenditures be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-539

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed two hundred sixty thousand dollars (\$260,000) exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

WATER MAIN

20-INCH WATER MAIN IN WOODLAWN FROM SECOND STREET TO KELLOGG. (DISTRICT II)

Agenda Report No. 05-0970

The 1999 Water Master Plan identified potential water pressure problems in portions of the southeast Wichita water distribution system and in growth areas in southeast Sedgwick County, as identified by the Metropolitan Area Planning Department.

The City Council approved a Water Master Plan Update on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, including the latest growth predictions by MAPD, the Water Master Plan recommended a 20-inch water main to be located in Woodlawn from 2nd Street to Kellogg.

The Capital Improvement Program project CIP W-834, Woodlawn & 2nd – Kellogg & Windsor (24”), is included in the 2006 approved CIP. The budget for the project is \$680,000. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The Law Department has approved the Resolution as to form.

Motion--carried

Mayans moved that the expenditure be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-540

A Resolution of the city of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed seven hundred thirty thousand dollars (\$730,000) exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PARK RENOVATION PARK FACILITIES RENOVATION.

Agenda Report No. 05-0971

The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation. This project has been initiated each year since 2001 and has resulted in significant improvements in all parks, recreation centers and park shelters. Recreation center investments were completed at Boston and Linwood in 2002, Evergreen and Lynette Woodard in 2003, and improvements spread at all recreation centers in 2004 to include replacement tables, chairs, storage racks, and recreation and game equipment. Orchard and Edgemoor Recreation Centers and the downtown skate park were the focus of 2005 Park Facility Renovation capital investments. Other park improvements include replacement picnic tables, benches, grills, bleachers, athletic field development,

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goals, score boards, and numerous other improvements and replacement projects to ensure safe and attractive parks and facilities.

The 2006 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities. Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Plans call for improvements in Edgemoor Park with the conversion of an old playground site into a skate park, South Lakes Sports Complex – maintenance facility construction, Goldenrod Park – facility improvements, replacement fencing at various athletics venues, and replacement and installation of grills, picnic tables, benches, and bleachers at numerous sites.

The 2006 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-541

A Resolution authorizing the issuance of bonds by the City of Wichita at large for improvements or renovations to Edgemoor Park, Goldenrod Park and South Lakes Sports Complex, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

NUISANCE ASSESS. NUISANCE ABATEMENT ASSESSMENTS.

Agenda Report No. 05-0972

The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$91,519.87; weed mowing charges total \$58,022.28

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, introduced and under the plans laid over.

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ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the plans laid over.

HOMELESS ASSIST. HOMELESS ASSISTANCE.

Agenda Report No. 05-0973

On September 13, 2005, the City Council approved Agenda Item Number 31, which authorized funding for the winter emergency overflow shelter. Subsequent to that action, it was determined that clarification was needed in the specific operating conditions for the overflow shelter. Following are the clarifications.

The shelter will be open December 1, 2005 through February 28, 2006. In the event that temperatures or wind chills are forecast to reach or fall below freezing prior to December 1 or after February 28, the shelter will be open and staffed those nights, as well. The objective for the overflow is to provide a safe shelter when shelter beds are full and not to become another shelter; thus every reasonable effort will be made by the successful grant recipient to place individuals in appropriate existing shelters (an appropriate shelter is one for which a client is eligible based on the standards of the shelter), prior to utilizing an "overflow" bed.

These clarifications take into account variations in weather conditions and will further ensure the safety of the community's most vulnerable homeless residents.

The prior Council action approved \$12,500 from City Community Services Block Grant (CSBG) funds, to fund the winter emergency overflow shelter. No General Funds have been used for this purpose and no General Funds are recommended at this time. Additional matching funds are being provided by Sedgwick County and the United Way.

Prior to execution, the Law Department will review the contract between the City and the provider of winter emergency overflow shelter.

Motion--

Mayans moved that the modifications to the original action to fund the winter emergency overflow shelter be approved; the City authorized to participate in the RFP process used to procure a service provider and the necessary signatures for the resulting contract authorized. Motion carried 7 to 0.

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 18, 2005)

- a) Loan Guaranty Agreement and Certificate of Deposit for the Power CDC Grocery Store Project. (District I)

ORDINANCE NO. 46-803

An ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of a loan guaranty agreement by and among the City of Wichita, Kansas, Community Developers of Wichita, LLC, and commercial federal bank, and authorizing placement of public funds in a certificate of deposit in connection with such agreement, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- b) Capital Improvement Program Planned Savings Projects.

ORDINANCE NO. 46-804

An Ordinance determining the necessity for acquiring fleet vehicles and equipment, and the necessity of repairing City facilities, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the City's Home Rule Authority as set out in Article 12, Section 5, of the Constitution of the State of Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Improvement to the Intersection of 13th Street and Mosley. (District VI)

ORDINANCE NO. 46- 805

An Ordinance declaring the Intersection of 13th and Mosley (472-84269) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Improvement to the Intersection of Pawnee and McLean. (District IV)

ORDINANCE NO. 46-806

An Ordinance declaring the Intersection of Pawnee and McLean (472-84007) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) Improvement to West Street, between Maple and Central. (Districts IV & VI)

ORDINANCE NO. 46-807

An Ordinance declaring West Street, between Maple and Central (472-83997) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- f) Pawnee Improvement between a point approximately 650 feet west of Palisade and Broadway. (District III)

ORDINANCE NO. 46-808

An Ordinance declaring Pawnee between Palisade and Water Street (472-84283) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- g) ZON2002-03 - south of 31st Street South and on the east side of West Street. (District IV)

ORDINANCE NO. 46-809

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.. (ZON 2002-03)

- h) ZON2005-23 - south of Maple and on the west side of Maize Road. (District V)

ORDINANCE NO. 46-810

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-23)

NEW BUSINESS

HEALTHCARE SYS. PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, INTEGRATED HEALTHCARE SYSTEMS, INC. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0975

On June 8, 2004, City Council approved a Letter of Intent to issue IRBs in the amount not-to-exceed \$26,000,000, to Integrated Healthcare Systems, Inc., for the benefit of Wichita Clinic P.A. The bonds will be used to finance the cost of acquiring, constructing, and equipping a medical office building and ambulatory surgical center. Integrated Healthcare Systems, Inc., is an operating company owned solely by the stockholders of Wichita Clinic, P.A. Integrated Healthcare Systems will sublease the project to the Wichita Clinic. The new facility will be located at 21st & K-96. The Company is requesting the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$16,229,000.

Wichita Clinic, P.A. is the State's largest medical group practice, with approximately 160 doctors practicing at eleven locations in 40 different medical specialties. Wichita Clinic founded in 1948, currently employs approximately 1,215 individuals. Wichita Clinic is a leader in the health care community and provides outpatient medical services to the residents of Wichita, Sedgwick County, and northern Oklahoma. Wichita Clinic provides both primary care and specialty care outpatient medical services. Wichita Clinic also provides outpatient surgery services in its DaySurgery center. Other services include extensive imaging services, the only two certified sleep medicine facilities in Wichita and numerous pediatric specialists not available elsewhere in the region.

Integrated Healthcare Systems project includes a new 121,000 s.f. facility located at 21st & K-96 on approximately 30 acres. The project consists of a new ambulatory surgery center, medical office building, imaging center and supporting departments. The company anticipates that it will create 70 new jobs within the first three years of operation.

An estimated analysis of the uses of project funds is:

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USES OF FUNDS:

Construction of a Medical Office Building, Ambulatory Surgical Center and Imaging Center	\$16,229,000
Total cost of Project	\$16,229,000

The firm of Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. The bonds will be privately placed and not reoffered for public sale. Integrated Health Systems has complied with the City's requirement contained in the Standard Letter of Intent Conditions.

Integrated Healthcare Systems agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Integrated Healthcare Systems did not request a tax abatement of ad valorem property taxes on the project. Integrated Healthcare Systems did receive an exemption on all sales taxes on the purchases of building materials associated with the Project. The estimated sales tax savings for Integrated Healthcare Systems is \$511,214.

Bond documents needed for the issuance of the bonds has been prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey stated that she would be abstaining from the vote.

Motion-- Schlapp moved that the public hearing be closed; the Bond Ordinance placed on first reading; the execution and delivery of documents for the issuance of Industrial Revenue bonds in an amount not-to-exceed \$16,229,000 authorized and the necessary signatures authorized. Motion carried 6 to 0, (Fearey abstained)

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$16,229,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IV, 2005 (Wichita Clinic Project) for the purpose of providing funds to acquire, construct and equip a medical office building, ambulatory surgical center and imaging facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and UMB Bank, N.A., as trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the city and integrated Healthcare Systems, Inc.; approving the form of a Sublease Agreement between Integrated Healthcare Systems, Inc. and Wichita Clinic, P.A.; approving the form of a guaranty agreement; and authorizing the execution of a bond placement agreement by and between the City, Integrated Healthcare Systems, Inc., and Intrust Bank, N.A., as purchaser of the Bonds, introduced and under the plans laid over.

AVIATION FESTIVAL 2006 WICHITA AVIATION FESTIVAL.

John D'Angelo Director of City Arts reviewed item and introduced Janet Wright, Wichita Festivals Inc.

Agenda Report No. 05-0976

WFI successfully fulfilled the requirements as stipulated in their contract with the City for completion of the 2005 Kansas Flight Festival. Upon completion of a successful 2005 festival, WFI has concluded they have the professional services to produce, market, and manage the 2006 Kansas Flight Festival, which will include the following components.

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- Event concept development and strategic planning;
- Site evaluation and planning;
- Promotion/marketing plan;
- Budget planning;
- Ticketing;
- Facility preparation and operations;
- Airshow and attractions and;
- Performance criteria and financials.

It was deemed by City Council that WFI should produce, market, and manage the 2005 Kansas Flight Festival. WFI is ready, willing, and able to provide the professional services necessary to accomplish the 2006 Kansas Flight Festival as concluded by the past performance of successful production, marketing, and management of the River Festival and the 2005 Kansas Flight Festival.

The City of Wichita will provide \$75,000 in funding for successful completion of this contract. The City will pay to WFI the sum of \$25,000 upon execution of this contract. The City will then pay additional sums in agreed amounts upon completion of agreed project milestones. A retainer of \$10,000 shall be withheld pending successful completion of all tasks outlined in the Contract and this Scope of Work. The City desires a festival that is both economically sound and has high public appeal. The expected performance benchmarks are attendance of 8,000 in paid ticket sales, and \$30,000 in gross concession sales. WFI shall submit to the City financial reports detailing budget projections and actual expenditures in three intervals. The first report is due six (6) months from contract execution, the second report is due two (2) months prior to the event and a final post-festival report is due thirty (30) days after the festival closes.

Law Department has prepared and approved the Agreement for Production, Marketing and Management of the 2006 Kansas Flight Festival.

Janet Wright

President/CEO Wichita Festivals Inc. reviewed the 2005 Kansas Flight Festival.

Council Member Gray

Council Member Gray stated that he had several concerns regarding the name change of this event. Stated that Wichita is the Air Capital of the world and known as the general aviation Mecca of the United States and not Kansas and to dilute that, and the two years worth of a successful aviation festival by changing the name, detracts the festival in itself. Stated that we put together a festival that was very successful for two years and feels that there should have been some carry over affect by that name. Stated that he did not recognize what the Kansas Flight Festival was because it was not in the same month and did not have the same name and thought that we had a competing airshow with our Wichita Festival. Stated that the branding and the logo that we put together was done as a contribution by the Greteman Group at a value of over \$50,000.00 and would have been something that the City of Wichita had paid for if they had not donated that to us as a contribution. Stated that his staff feels that they were not involved in the name change in any capacity, when Wichita is a key sponsor and put the contract together and authorized the Wichita Festivals Inc. to put this festival together. Stated that he would think that something this important and visible should have had more discussion with the key sponsor that organized the entire event.

Janet Wright

Ms. Wright stated that the reason that they chose to make the name change had nothing to do with trying to detract from in any way our aviation heritage in Wichita, but to broaden it. Stated that they have representatives from the Convention and Visitors Bureau as well as all of the major manufacturers sitting on their committee that helped to evaluate and determine the ways they were going to precede. Stated that everyone agreed that they felt like it was important for them to broaden it because they wanted to make sure that people from all regions of the state felt like they were a part of this. Stated that in regards to the branding, they felt like if they were going to make that change in the name, it was appropriate also to re-examine the brand name that they use for the event. Stated that they believed that it was one that was reflective of the plains and the prairie and their location in Wichita as it relates to the topographical areas of our state, felt like it was a good representation. Stated that it was her understanding that when they engaged in the contract that it would be their decision to make in terms of how they preceded with that. Stated that they did try to include City staffers and that John D'Angelo was aware of what they were doing as were a number of other people.

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- Council Member Schlapp Council Member Schlapp stated that she would be in favor of more communication between us and be more involved and is also concerned about the changing of the name and would like to see it go back to what it was before.
- Council Member Martz Council Member Martz stated that he thinks that the name Wichita is very important to have in the title of this event. Stated that we should capitalize on our name and keep it up front where it is. Stated that he feels that we definitely need to change the name back to the Wichita Air Festival.
- (Mayor Mayans momentarily absent, Vice-Mayor Schlapp in the chair)
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Martz Council Member Martz stated that this festival was originated by the City Council and does not every remembers approving a name change.
- Mayor Mayans Mayor Mayans stated that he has been contacted by some of the Council Members regarding the name change and asked if there would be an issue regarding the funding being contingent upon the name change back to Wichita.
- Janet Wright Ms. Wright stated that if that is what the Council feels is important, she thinks it will be difficult for them to go back and change all of the signage that they have created but if the Council's support of this contract is contingent on that, then they will look at those additional costs and move forward.
- Motion-- Gray moved that the contract to employ WFI to provide the professional services to accomplish this task for 2006 are approved contingent upon the name change to the Wichita Aviation Festival.
- carried Motion carried 7 to 0.

LIBRARY HORIZON LIBRARY HORIZON COMPUTER MIGRATION PROJECT.

- Cynthia Berner-Harris Director of Libraries reviewed the item.
- (Council Member Skelton momentarily absent)

Agenda Report No. 05-0977

Since 1992, the Library has used integrated library automation systems from the Dynix company to manage its materials inventory, customer accounts, library catalog and several corresponding technology features such as the TeleCirc automated calling and renewal system and HIP, the remote version of the library catalog. The current, "classic" version of this system has ceased ongoing development. The next upgrade version of the system is the Horizon system, which provides increased ease of use for customers, greater functionality for library employees and a non-proprietary database design consistent with other City supported technology applications. This transition will also allow the Library to more easily implement public computing workstation timing and print management to improve cost recovery of this service.

The Library has been aware of the eventual need to migrate from the Dynix system to the newer and more powerful Horizon product since 1999. Plans for the change have been underway since that time as the Library made the time-intensive transition from Optical Character Reader (OCR) technology to the use of barcodes and began a gradual replacement of character-based Wyse terminals to more user-friendly and versatile PCs and thin clients. With these changes nearing completion, the Library is now ready to schedule the system upgrade. The recent corporate merger of the Dynix company with Sirsi, another long-time library automation vendor, into SirsiDynix makes timely completion of the upgrade more critical as support for older systems such as Wichita's is being phased out to increase support for ongoing products, including Horizon. Initiation of the project at this time should allow the Library to schedule an actual migration from Dynix to Horizon in the spring of 2006.

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The total budget for the upgrade project is \$209,420. Sixty percent of the project funding is from Library grant sources. The remaining expenses will be paid initially from the IT/IS replacement fund, with repayment by the Library over the next several years. Operational funding such as software maintenance and data applications has been included in the 2006 and 2007 budgets.

Vendor contracts with schedules for the project completion will be reviewed by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that staff be authorized to initiate the project and the necessary signatures authorized. Motion carried 7 to 0.

BENEFIT FEE

SEWER MAIN BENEFIT FEE-ORDINANCE.

Don Kirkland

Assistant Director of Water and Sewer reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0978

The Sewer Utility shares with developers the cost of installing sanitary sewer collection mains for new developments. While the main is designed to collect sewage from the entire drainage basin, there may not be development in the entire basin to share the cost. In that case, the Utility pays its share for the portion that is being developed, and also pays for the entire cost for the portion of the basin that is not being developed. As subsequent development occurs, a sewer main benefit fee is assessed along with the special assessments for the lateral sewers. The fee is collected through the special assessment process and then transferred to the Sewer Utility partially offsetting the cost for the portion that the Utility initially paid.

The Home Rule Ordinance does not address fees collected through the special assessment process for purposes other than special assessments. The proposed Ordinance will enable the Sewer Utility to recover the Sewer Main Benefit Fees from the Special Assessment Fund. The Sewer Utility generally pays 50 percent of the cost for installing sewer mains for new development. Areas currently requiring sewer mains are larger than in prior years, and the areas have less initial development as well. The Sewer Main Benefit fee will enable the sewer main to be built efficiently for the basin without burdening the current sewer customers with the cost, or expecting the initial development to pay more than its share.

The Ordinance has been approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the Sewer Main Benefit Fee Ordinance be adopted and the place the Ordinance on first reading. Motion carried 6 to 0, (Martz absent)

ORDINANCE

An Ordinance of the City of Wichita, Kansas, providing for the application of benefit fees received by the City from owners of property which benefit from certain water or sanitary sewer improvements initiated by petition pursuant to K.S.A. 12-6a04, as amended, all or a portion of the cost of which has been paid from either proceeds of Water and Sewer Utility Revenue Bonds of the City or other available funds of the Water and Sewer utility of the City, introduced and under the plans laid over.

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EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I- DESIGN/BUILD.

Jerry Blain

Water Supply Projects Administrator, Water and Sewer Department reviewed the item.

Agenda Report No. 05-0979

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project. Phase I of the ASR Project was to design seven diversion wells and six recharge facilities with a capacity of 10 million gallons per day (MGD).

As part of the Phase I project, the engineer performed a pumping test near one of the proposed diversion well sites. The test was to help determine how much water could be diverted from the river using wells adjacent to the river. Results of the recently completed pumping test determined that the river/aquifer connection in this area is less substantial than it was at the site used during the Recharge Demonstration Project. Consequently, the proposed diversion wells will not be able to capture up to 10 MGD without potentially impairing other groundwater users. The advantage of diversion wells is that they eliminate the need for water treatment, since the riverbank filters most of the objectionable materials from the river.

The only way to capture up to 10 MGD at this site and fully utilize the recharge facilities is to withdraw water directly from the river. A direct surface water diversion will require the use of a water treatment plant prior to using the water to recharge the aquifer. Based on the results of the pump tests, it appears that a 5-to-7 MGD surface water diversion and treatment plant will be required.

The goal is to have the facilities of Phase I completed and operational by the fall of 2006, so that water can be captured after the runoff events that generally occur in the fall. The experience gained from operating Phase I facilities will then be used to enhance the design and construction of the Phase II facilities, which are planned for design in 2007. Phase II will capture and recharge 30 MGD through a direct surface water diversion. If the City is not able to operate the Phase I facilities until the spring of 2007, it would delay the design and construction of Phase II by approximately one year.

Staff believes the only way to have the surface water treatment facilities operational by fall 2006 is to have the facility constructed using the design/build methodology. Using design/build, the engineer and the contractor work together to develop the best facilities, allowing the contractor to begin construction earlier, and allowing them to order major equipment sooner, which may have extended delivery time. The remainder of the facilities included in the Phase I project will remain as design/bid/build projects.

The cost of surface water treatment facilities is estimated to be \$9,000,000. This is an unanticipated additional cost for the project. Funding for this addition to Phase 1 is available in the CIP project W-549, Water Supply Plan. Depending on the bids for the other portions of Phase 1 (the treatment plant, the remaining diversion wells and river intake, the overhead power lines, and the rest of the recharge facilities), additional funds may be needed from the CIP budget for this project. If required, additional requests for funds will be submitted with the attendant contract to City Council for approval.

Charter Ordinance 111 requires City Council approval for a "design-build" project before requests for proposals are sent.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the construction of the surface water treatment facilities for Phase I of the ASR Project as a design/build project be approved and Staff authorized to proceed with the Request for Proposals. Motion carried 7 to 0.

--carried

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DR2005-00030

**DR2005-00030 AMENDMENT TO THE APRIL 19, 2001 EDITION OF THE WICHITA-
SEDGWICK COUNTY UNIFIED ZONING CODE TO AMEND DEFINITIONS AND USE
REGULATIONS FOR USES INCLUDING, NIGHT CLUBS IN THE CITY, PERSONAL CARE
SERVICE, PERSONAL IMPROVEMENT SERVICE, SEXUALLY ORIENTED BUSINESSES,
THE OT-O USE REGULATIONS AND TAVERNS AND DRINKING ESTABLISHMENTS
AND TO NONCONFORMITIES.**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0980

MAPC Recommendation: Approve (7-3)

Staff Recommendation: Approve

DAB Recommendations: DAB I - provided input and comments for City Council consideration (9-26-05); DAB II - provided input and comment for City Council consideration (10-03-05); DAB III - unanimous vote that they do not want these type of SOB businesses in District III (10-05-05); DAB IV - provided input and comment for City Council consideration (10-05-05); DAB V - provided comment (10-03-05); DAB VI - provided feedback and input (09-12-05)

The regulation, permitting and licensing of adult entertainment establishments are currently governed by Chapter 3.05 of the City Code. Adult entertainment establishments (or sexually oriented businesses) are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code (UZY) within the City of Wichita.

Sedgwick County already has regulations in place to require sexually oriented businesses to be in compliance with the County's Adult Entertainment Code, to prohibit establishment of businesses within 1,000 feet of a church, school, public park, residential dwelling or other adult establishment, and to amortize existing businesses not in compliance with these requirements (Sedgwick County Resolution No. 84-01, October 5, 2001; as amended Resolution No. 86-04, May 19, 2004).

Beginning with a City Council workshop on February 1, 2005, and following a moratorium enacted on February 8, 2005 on the issuance of permits and licenses for new adult entertainment business, staff has been comprehensively addressing the negative effects of adult entertainment businesses upon neighboring properties and the community as a whole. A conceptual overview of proposed amendments to the Wichita-Sedgwick County Zoning Code and the existing adult entertainment-licensing ordinance were discussed at a City Council Workshop on July 26, 2005. At the regular meeting on August 2, 2005, the moratorium was extended until November 15, 2005, to allow staff time to (1) draft more specific UZY and licensing ordinance amendment language, (2) present the proposed UZY changes to District Advisory Boards for review and comment; and (3) present final proposed UZY amendments to MAPC in October.

During the months of September and October, each District Advisory Board (DAB) received a presentation on the proposed amendments and provided comments to staff. A copy is attached to this memo of the DAB Agenda referral item and a report entitled "District Advisory Board Overview: Proposed Sexually Oriented Business Zoning and Licensing Code Amendments" (August 31, 2005) also, a copy of minutes from DAB meetings is attached.

The comments heard at the DAB meetings indicated general support for the idea of restricting adult businesses (or sexually oriented businesses) to more intensive zoning districts, as proposed by staff. The proposal is to limit these businesses to "GC" General Commercial, "LI" Limited Industrial" and "GI" General Industrial, and to prohibit them in the "OT-O" Old Town Overlay District. The "D-O" Delano Overlay District already prohibits them. Currently these businesses are viewed as general retail, theater, hotel and/or office uses allowed in less intensive zoning districts, including "GO" General Office (hotels), "NR" Neighborhood Retail (depending on floor area), "LC" Limited Commercial, "OW" Office Warehouse, and "CBD" Central Business District. The other restriction would be to require adult businesses (or sexually oriented businesses) to be separated at least 500 feet away from a church, public or parochial school, public park, day care center, residential zoning district, or the "OT-O" Old Town Overlay district.

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The presence of adult businesses was seen as potentially jeopardizing the substantial investments being made in certain areas of the city, especially in the downtown and the Old Town areas. It was also viewed as discouraging families from visiting family-friendly attractions that might be in the vicinity and being a deterrent to residential use nearby.

The issue of phasing out (amortization) existing adult businesses generated a wider range of comments at the DAB meetings. One of the concerns raised were about the general concept and/or fairness of amortizing the use and its legality, as well as protection of First Amendment rights. Staff members discussed that amortization of adult businesses (or sexually oriented businesses) has been upheld in court cases. Another significant concern was the short length of time for amortization proposed.

At the MAPC meeting held October 20, 2005, MAPC voted (7-3) to approve subject to staff recommendation. One major concern was that the "GI" General Industrial district included property within the 21st Street Revitalization Corridor or the Mid-Town area. A motion was made to approve subject to staff recommendations but with the additional elimination of "GI" General Industrial zoning from districts where sexually oriented businesses would be permitted, but no action was taken on the motion; instead a substitute motion to approve subject to staff recommendation was approved.

- Mayor Mayans Mayor Mayans stated that if we are really serious about the quality of life in our community, that we must do this. Stated that this is about businesses, which are primarily owned by people outside of this community and where the money goes back into their pockets and we have to live with the after effects of what their businesses generate in people's minds primarily affecting woman, children and families. Stated that the County appears to have more stringent restrictions than we do especially regarding the 1,000 feet.
- John Schlegel Planning Director stated that they looked at a number of different distances and in their analysis of the impacts of each of those separation distances, they were able to generate an estimate of the amount of land area and the number of parcels of land that would then be available for these types of businesses. Stated that the Law Department felt that there was a certain threshold of availability of land that needed to be maintained in order to be able to defend against expected legal challenges. Stated that what they found as they did those analysis of the different distances, is that it is not until you get down to the 500 feet, that you really wind up with a percentage of the total land area within the City, that they felt they would be able to defend in court.
- Council Member Skelton Council Member Skelton stated that on 2150 South Broadway, there is an SOB, which is south of Mount Vernon on the east side of the street and believes that this falls outside of new zoning criteria and is surrounded by a residential area. Asked if this is going to be a non-conforming use after this ordinance is passed.
- John Schlegel Planning Director explained that yes it would be because of the proximity of that businesses to the residential zoning districts.
- Council Member Brewer Council Member Brewer stated that we are asking for a one-year amortization period, which will affect eight or nine businesses. Asked if a year is going to be sufficient time to be able to address any legal ramifications.
- Gary Rebenstorf Director of Law explained that from the stand point of addressing that in a court lawsuit, you run the risk of having a shorter period but a shorter period can be defended based upon all of the requirements that we are putting into this ordinance and all of the issues that we have addressed.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Pete Dominguez Mr. Dominguez, Pastor of South City Baptist Church and Vice-President of Operation Southwind, stated that they have concerns with the definition of SOBs and would like to have included with the definition as a clarification of what constitutes an SOB is the rental or sale of 20% or more of the businesses income, 20% or more of the inventory or 20% or more of the total floor space included to clarify what constitutes an SOB. Stated that they would like to see a 1,000-foot restriction instead of 500 feet.

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- Council Member Brewer Council Member Brewer stated that if we are going to impose this zoning ordinance, he has concerns about the 21st Street Revitalization. Stated that as we start looking north of the City, we know that many of those neighborhoods are low-income areas and according to the map that is being shown today, you are willing to put it there but not in your neighborhood. Stated that he does not feel that is right and sees that his DAB and Council Member Fearey's DAB disagreed with it. Stated that if we are going to do this we need to make certain that all of those particular areas are covered. Stated that the City is preparing to spend several hundred million dollars to revitalize this area and has a concern with this. Stated that the other area of concern is the time line and what a reasonable amount of time and is concerned about those particular kind of businesses. Stated that as an elected official it is our responsibility as policy makers to govern the checkbook and do things in a smart and sensible manner. Stated that he feels if this time line of one-year is reasonable, then the County would have done it in a shorter period of time than the five-year time frame. Stated that another concern is how we conduct ourselves as policy makers and the comments that we make. Stated that some of the comments made by some of the Council Members publicly and also in the newspaper regarding individuals that attend these particular places. Stated that in those comments they were all grouped together as sexual pedophiles and various different sexual problems and how it is damaging families and children. Stated that he does not felt that they are healthy for families but not every single person that goes to these places have these sexual issues as some of us are trying to portray them as being sexual deviants. Stated that we should not try and categorize or pass judgments on citizens because of what they are trying to do to enhance their personal life.
- Mayor Mayans Mayor Mayans stated that pornography encourages a low level of respect and victimizes women. Stated that he does not want to wait more than one-year and thinks that even one-year is too long. Stated that if all of these businesses move to the 21st Street area, we will have some issues but have discussed overlays and does not think that would happen. Stated that we do not have an ocean or mountains to sale people on but sale them on quality of life, a good place to raise your family. Stated we are not closing anybody down and that they will still be able to business but that we are just bringing some order and restrictions to it.
- Council Member Skelton Council Member Skelton stated that he feels it is reasonable for protective overlays to exist in areas of high public investment and stands ready to support Council Member Brewer if he is ready to look into some kind of protective overlay for the 21st Street development.
- Council Member Martz Council Member Martz stated that he also feels that this is the type of business that if at all possible, would like to see removed from the City. Stated however, he is not convinced that this is the way to do it. Stated that part of his stewardship is to make sure that we do not necessarily unjustly or unwisely, subject our City to lawsuits that can be avoided. Stated that he is very concerned with the one-year amortization period and how we can protect not having unjust and unneeded lawsuits when we can go possibly to a two-year amortization period, which would do a better job with fewer lawsuits.
- Council Member Schlapp Council Member Schlapp stated that when this issue came to her DAB, they looked at it as a business decision for the people who own that space, whether they could re-occupy that space, if they had a contract on that and then it would be null and void. Stated that we need to think not only what happens to the business itself but to the landlord. Stated that she feels that a two-year amortization period has some merit to it.
- Gary Rebenstorf Director of Law explained that most leases retain a requirement and if they cannot meet the legal requirements for the use of the property, then there would have to be a change.

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- Council Member Fearey Council Member Fearey stated that her concern with this is that she does not see where we are lessening how many of these types of businesses we have. Stated that all of these businesses can move somewhere else and what she does see is that we are lessening the number of these in some areas of town and pushing them to other areas. Stated that protective overlays on 21st Street are fine, but why wouldn't all of these places want protective overlays and then we are back to what we cannot do and that is to regulate them out of town. Stated that we will lose that in court and it is going to be expensive and she is uncomfortable with this whole thing. Stated that if she thought that we were going to protect everybody with this or cut in half how many we have, or put them only in places where people did not get hurt, then she would feel differently. Stated that all we are doing is running the risk of moving them all to certain areas and making those parts of town having no quality of life for the citizens who live there.
- Council Member Gray Council Member Gray stated that he is supportive of this because there is a distribution affect. Stated if someone would like to take this back and look at changing this to 1000 foot or 750-foot buffer zone, he would be supportive of that. Stated that until someone makes a recommendation to send this back and try to tighten the restrictions overall, then he is going to support what is here because it is the most fair and equitable for everybody within the community.
- Mayor Mayans Mayor Mayans stated that the citizens and community are looking for leaders who want to move this community forward. Stated that this is about moving the community forward and believes it is about quality of life. Stated that he believes that we cannot have a perfect solution regarding everything that we do. Stated that this is a good starting point.
- Motion--
--carried Mayans moved to concur with the findings of the MAPC and approve proposed amendment to the Unified Zoning Code with a change to two-years amortization period and place the ordinance on first reading. Motion carried 5 to 2, (Nays-Brewer and Fearey).

ORDINANCE

An Ordinance providing amendments to Section II-B.9.B, Section II-B.10.H and II-B.10.I, Section II-B.12.I, Section III-B.14.B (3), Section III-C.4.B, Section III-D Use Regulations Schedule, Section III-D.6.W, Section III-D.6.FF and Section VII-J of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with sexually oriented businesses in the City, introduced and under the plans laid over.

MARKETPLACE DIST CONTRACT FOR SERVICES IN CREATING THE INTERNATIONAL MARKETPLACE DISTRICT. (DISTRICT VI)

- John Schlegel Planning Director reviewed the item.
- (Council Member Skelton and Schlapp momentarily absent)
- Agenda Report No. 05-0981

The recently adopted 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street. Focused around a proposed indoor Mercado (public market) facility, this District would offer distinctive dining, shopping and entertainment experiences particular to the cultures represented in the area, as a means of attracting local and regional shoppers and promoting economic renewal of the area.

In September 2005, the City issued RFP No. FP500074 soliciting proposals for historic resource inventory, marketing, community outreach and architectural 'place-making' design services to the City and community stakeholders in creating the International Marketplace District. The key deliverables of this initiative are:

- § Documentation of potentially eligible historic properties within and adjacent to the International Marketplace District.

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- § An integrated communications plan that includes strategic marketing, public relations and communications plan elements as well as a branding strategy including naming, icon/logo development and color schemes that will enable the International Marketplace District to eventually become the premier destination for ethnic and international retail business, services and cultural entertainment/artistic events in the Wichita region.
- § An architectural design approach and site concept plan for public and private improvements in the International Marketplace District (including streetscape enhancements, building façade treatments/styles, landscaping treatments, gateway design, way-finding signage, lighting, parking, public jardin) that: reflects, supports and implements the marketing, branding and public relations strategy; creates a safe and inviting place; and, is sensitive to historically significant architectural elements and buildings in the area.

The International Marketplace District will initially encompass the retail segments of the 21st Street North corridor from Broadway to the Thai Bin Asian Market located at Somerset, and the Broadway Street retail corridor from 22nd Street North to 20th Street North. The consultant will be required to utilize an effective community outreach process in developing the various marketing and architectural elements of the International Marketplace District.

A Request for Proposals was prepared and sent to local and regional vendors. A total of two consultant teams (the Greteman Group and the JEO Group) responded with a submittal of proposal. Staff provided evaluation summaries of the two proposals received to the City Staff Screening and Selection Committee. The City Staff Screening and Selection Committee met to review the proposals and subsequently held interviews with the two consulting teams. Following the consultant interviews, the City Staff Screening and Selection Committee determined that the Greteman Group is best qualified and experienced to undertake this plan. The following summarizes the strengths of the Greteman Group consultant team as identified by the Selection Committee:

- § Demonstrated energy and passion for this project.
- § Excellent understanding and approach to the development of an integrated communications plan.
- § Excellent branding and marketing experience.
- § Good participation of minority-based and women-based small businesses.
- § Experienced and qualified local area team members (4 of the 5 firms in the team are Wichita-based).
- § Effective and creative community involvement/outreach approach proposed, including bilingual translation services.
- § Experienced design professionals.

The proposed contract with the Greteman Group would be a negotiated contract with a not-to-exceed fee of \$300,000. Funding for this project has been identified in the recently approved 2005-2014 Capital Improvement Program.

The contract will be reviewed and approved as to form by the Law Department.

(Council Member Brewer momentarily absent)

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the selection of the Greteman Group for services in creating the International Marketplace District be approved; staff authorized to negotiate with the Greteman Group a not-to-exceed contract of \$300,000 to perform the work; the appropriate signatures authorized and the appropriate bonding resolution adopted. Motion carried 7 to 0.

--carried

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HOME RULE ORD. HOME RULE BONDING ORDINANCE FOR CREATING THE INTERNATIONAL MARKETPLACE DISTRICT. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0982

The 21st Street North Corridor Revitalization Plan has identified the goal of creating an International Marketplace District centered at 21st Street North and Market Street. Focused around a proposed indoor Mercado (public market) facility, this District would offer distinctive cultural dining, shopping and entertainment experiences as a means of attracting local and regional shoppers and promoting economic renewal of the area. In order to make this goal a reality, the following services are required to help create the International Marketplace District:

- § Documentation of potentially eligible historic properties within and adjacent to the International Marketplace District.
- § An integrated communications plan that includes strategic marketing, public relations and communications elements and a branding strategy.
- § An architectural design approach/site concept plan for future public and private improvements in the International Marketplace District (including streetscape enhancements, building façade treatments/styles, landscaping treatments, gateway design, way-finding signage, lighting, parking, public garden). This concept plan will reflect, support and implement the marketing, branding and public relations strategy; create a safe and inviting place; and, be sensitive to historically significant architectural elements and buildings in the area.

A consultant will be hired to help create this District working closely with city staff, the 21st Street Business Association, area residents, landowners, and the community at-large.

The Department of Law requires the approval of a home rule-bonding ordinance to be eligible to issue temporary notes for the cost of services in creating the International Marketplace District. This is necessary even though the temporary notes may be paid with cash. The Law Department has drafted the required home rule-bonding ordinance.

Funding for this project (not to exceed \$300,000) is identified in the 2005-2014 Capital Improvement Program.

A home rule-bonding ordinance is required since there is not yet a specific City project associated with the International Marketplace District. The ordinance has been approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the home rule-bonding ordinance for the International Marketplace District be adopted; the ordinance placed on first reading and the necessary signatures authorized..

-carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay the costs of preparation of an International Marketplace District Plan; and authorizing and providing for the issuance of temporary improvement notes of the City from time to time as funds are needed for such purpose, introduced and under the plans laid over.

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PARK LAND

RENAMING OF PARK LAND AT 4270 EAST WHITNEY LANE. (DISTRICT III)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0983

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

In 1997, Whitney Village Park was created in the Planeview neighborhood. The person responsible for establishing this park was Phyllis Hall. Ms. Hall has since passed away and the neighborhood and the District III DAB have requested that the park's name be changed to the "Phyllis Hall Memorial Park". On October 10, 2005, the Board of Park Commissioners voted unanimously to comply with the wishes of the neighborhood and the District III DAB.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Skelton moved that the site at 4270 E. Whitney Lane be renamed as the "Phyllis Hall Memorial Park". Motion carried 7 to 0.

ZELTA

PETITION TO PAVE ZELTA, FROM KELLOGG TO WATERMAN. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0984

The signatures on the Petition represent 16 of 32 (50%) resident owners and 55.8% of the improvement district area. District II Advisory Board sponsored an October 3, 2005, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project. There was an indication at the District Advisory Board meeting that some property owners who signed the Petition may ask that their signatures be withdrawn. The Petition was submitted to the City Clerk on September 13, 2005. State Statutes provide that signatures may not be withdrawn later than seven days after the submittal date.

The project will provide paved access to a mixed-use developed area.

The project budget contained in the Petition is \$185,000 with \$169,500 assessed to the improvement district and \$15,500 paid by General Obligation Bonds. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.15 per square foot of ownership. The City share is for the cost of intersection paving. In addition, it is proposed that the project budget be increased to include a connection to Kellogg Drive based on the design concept for the future Kellogg Freeway. The estimated additional cost is \$50,000, funded by the local sales tax, for a total budget of \$235,000.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Greg (inaudible)

Stated that he lives on Zelta Street and feels that the petition was falsely represented and the numbers keep changing. Stated that a person whose personal bias is coming from this submitted this petition. Stated when he represented the street petition to these people it was misrepresented and thought that the paving was for Lewis Street and Zelta Street. Stated that there is also a drainage problem in this area that needs to be addressed.

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(Council Member Fearey momentarily absent)

- Bart DeCarlo Mr. DeCarlo stated that he has two parcels of land and out of all of the people on this petition; he is going to pay over \$7,000.00 out of his pocket. Stated that he also thought that Lewis Street was going to be paved also. Stated that he called and asked the City Engineer to remove his name off of the petition and asked the City Council to remove his name from this petition because he does not think it is going to solve the drainage issue.
- Larry Calvert Mr. Calvert stated that he submitted the petition for the paving of Zelta and assured the Council that everyone was afforded the opportunity to read the petition before signing it. Stated that the business owners in this area are in favor of the petition and are the majority of the taxpayers in this area. Stated that they want this done as well as most of the residents. Asked that the Council accept the petition as it is and pave Zelta.
- Greg Bower Mr. Bower stated that he is the owner and President of Bower and Son Construction at 415 South Zelta. Stated that he has seen the drainage problems and the expense that the City and County have expended re-grading the road three to four times a month, plus digging the ditches out for drainage control. Stated that the four owners, north of Kellogg are all in favor of this due to the expansion of Kellogg, which will greatly decrease their access to their property, which means everyone will have to enter from Lewis through Waterman, down Zelta. Stated that right now Zelta is unsafe because people speed down that road and during the wintertime, there is at least five to six wrecks. Stated that if we are going to pave Zelta, go ahead and do the three to four lanes to Lewis Street along with the Kellogg expansion, which would help everybody else in the residential area regarding lesser specials.
- Krista Clark Ms. Clark stated that she is a non-resident owner of 356 south Zelta and have all signed the petition in good faith to support the paving of Zelta Street and would supports that at this time.
- Gary Rebenstorf Director of Law explained that the way the state law reads is that a person cannot withdraw their name from a petition if the Council has started considering the petition or if the person does not withdraw their name within seven days after it is filed, whichever comes first. Stated that the request for withdrawal was not made within the seven day time period and the Council has already gone forward, so legally he cannot withdraw. Stated that the non-resident can sign the petition and there is a requirement that they can be part of that, which is part of the percentage that we have that is making this project go forward.
- Motion-- Schlapp moved that the Petition be approved; the Resolution adopted and the necessary signatures
--carried authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-538

Resolution of findings of advisability and Resolution authorizing constructing pavement on Zelta Drive from the north line of Kellogg Drive to the south line of Waterman Street (north of Kellogg, east of Greenwich) 472-84300, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

UNIVERSITY

PETITION TO PAVE UNIVERSITY BETWEEN MAPLE LANE AND ARAPAHO. **(DISTRICT V)**

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0985

On July 11, 2005, District V Advisory Board considered a Petition for paving University as a cul-de-sac court between Maple Lane and Arapaho. The project is a condition of platting Ivy Christine 2nd Addition, a new residential subdivision located south of University between Maple Lane and Arapaho. The Board referred the matter back to the Petition signer to circulate a new Petition to pave University as a connecting road between Maple Lane and Arapaho. A new Petition has been submitted in

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accordance with the District Advisory Board's direction. The signatures on the new Petition represent 7 of 25 (28%) resident owners and 61.22% of the improvement district area. On October 3, 2005, District V Advisory Board voted 8-0 to recommend approval of the project.

The project will provide paved access to a partially developed residential area.

The estimated project cost is \$75,000, with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties with homes is \$1,955 per tract. The estimated assessment to Ivy Christine 2nd Addition is \$25,000.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Peter Grant

Mr. Grant stated that he lives two houses from the benefit district and this will affect him because there is a drainage problem at the end of Maple Lane and water collects in front of his house. Stated if you look at Maple Lane there are cracks in the street because of water collecting and even though he is not in the improvement district, he feels that he should have been notified so that he could express his concerns.

Doug (inaudible)

Stated that he lives at 414 Maple Lane and has been out of town for a month and a half and had just received his certified letter from the City regarding the improvements on University Street and thought this was a dead issue. Stated the people on Arapaho would like to have this street through, so that they can improve and build on the lots that are behind Arapaho and Maple Lane. Stated that there are no sidewalks, have a dead end street, which will bring traffic to that area that they do not need. Stated that it does not benefit anyone on Maple Lane.

Motion--
--carried

Martz moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-543

Resolution of findings of advisability and Resolution authorizing constructing pavement on University from Maple Lane to Arapaho (south of Maple, east of Ridge) 472-84299, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Council Member Gray momentarily absent)

Mayor Mayans

Mayor Mayans reported that the County is here waiting to start our workshop in the First Floor Board Room and that there is still a lot left to address on the Council agenda and an Executive Session. Stated that he would like to recess to meet with the County and come back and finish the agenda, Executive Session and the workshop.

George Kolb

City Manager stated that there are others in the audience that are here to speak on a petition and suggested to take those items up before recessing.

Council Member Martz

Council Member Martz asked that we take up items 31 and 33 out of order because there are people here to speak the these items.

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(Item 30-taken up later in agenda. Shown in agenda order)

MASCOT

**PETITION TO PAVE MASCOT FROM 29TH STREET NORTH TO 31ST STREET NORTH.
(DISTRICT VI)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0986

The signatures on the Petition represent 18 of 43 (41.86%) resident owners and 54.22% of the improvement district area. District VI Advisory Board sponsored an October 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will provide paved access to a developed residential area.

The estimated project cost is \$215,000 with \$196,500 assessed to the improvement district and \$18,500 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.51 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

--carried

Fearey moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-544

Resolution of findings of advisability and Resolution authorizing constructing pavement on Mascot from the north line of 29th Street North to the south line of 31st Street North (north of 29th Street North, west of Arkansas Avenue (472-84298), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Item 31)

WATER DISTRIB.

**PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA
LOCATED SOUTH OF 55TH STREET SOUTH, WEST OF BROADWAY. (DISTRICT IV)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0987

The signatures on the Petition represent 2 of 4 (50%) resident owners and 56% of the improvement district area. District IV Advisory Board sponsored an October 5, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will construct a water distribution system for an area that is currently served by private water wells.

The estimated project cost is \$35,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.21 per square foot of ownership.

State Statutes proved that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Barbara Peterson

Ms. Peterson stated that she is concerned with the way this was done and it is going to cost three people more than double than what they were quoted back in 2000. Stated that in April 2000, she called the City regarding getting water in her area shortly after they were annexed. Stated that the petition that she had received in 2000, said that it would cost about \$5,000.00 for each of them because there were four of them to split the cost. Stated that now since there is only three to split this cost and the total estimated cost has increased to \$35,000.00. Stated that it will end up costing the three of them close to \$17,000 and \$20,000.00 to get water. Would like to see if there is a way they could look at the way that they are doing this to try and prevent this from happening again

Motion--
--carried

Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-545

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90126 (south of 55th Street South, west off Broadway), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Item 32- taken up later in agenda. Shown in Agenda Order)

YMCA

PETITION AND CHANGE ORDER FOR SANITARY SEWER IN NORTHWEST YMCA ADDITION, NORTH OF 21ST STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0988

On February 15, 2005, the City Council approved a Petition for a sanitary sewer in Northwest YMCA Addition. During construction, we determined that part of the sewer line would be located under a future parking lot. Because of the depth of the sewer line in combination with the soil conditions at the site, improved trench backfill measures are needed across the parking lot area to protect against future settlement. The developer has submitted a new Petition with an increased budget to pay for the additional cost. The signature on the Petition represents 100% of the improvement district. A change order has been prepared to authorize the additional work.

Northwest YMCA Addition is the site of a new family recreation facility located north of 21st, west of 135th west.

The existing Petition totals \$145,000. The new Petition totals \$168,600. The funding source is special assessments. The Change Order amount is \$18,150. The original contract amount is \$53,896. The Change Order represents 33.5% of the original contract amount.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district. The Law Department has approved the Change Order as to legal form. City Council policy limits Change Order totals to 25% of the contract budget. As a result, a policy waiver is needed for this Change Order.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the Petition be approved; the 25% limit on Change Order costs for this project be waived; the Change Order approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-546

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 10, Northwest Interceptor Sewer (north of 21st Street, west of 135th Street West) 468-83957, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(Item 33)

SANITARY SEWER

SANITARY SEWER TO SERVE AN AREA LOCATED NORTH OF 31ST STREET NORTH, EAST OF HOOD. (DISTRICT VI)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0989

On May 31, 2005, a petition was submitted to extend a sanitary sewer lateral to serve two tracts located north of 31st St. North, east of Hood. The signatures on the Petition represented 2 of 4 (50%) resident owners and 45.9% of the improvement district area. District VI Advisory Board sponsored a July 20, 2005, neighborhood hearing on the project. The board voted 10-0 to recommend approval of the project. In addition, the District Advisory board recommended that the project be expanded if there are adjacent tracts that may be at risk of septic tank failures.

The Environmental Services Department has recommended that the project be expanded north to include two additional tracts. All four tracts in the proposed improvement district are currently served by private septic tank systems that are at risk for failure.

The estimated project cost is \$36,000 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$9,000 per lot.

State Statutes provide the City Council the authority to order in sanitary sewer projects with special assessment funding.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Clifford Simmons

Mr. Simmons stated that his sister resides at 3250 North Hood and that his father put in that septic system several years ago and it is functioning properly. Stated that the cost of this project would cause a hardship for his sister who is limited financially and struggles every year to meet the taxes let alone the special assessment that will be assessed to that property. Stated that he feels like as long as this septic system is working, they should not be made to comply. Stated that this will also increase the sewer rates and water bill. Asked if they would be required to hook up to this.

Jim Armour

City Engineer explained that they would not be required to hook up immediately after installation of the sewer, but Environmental Health would require them to hook up if his system ever failed. Stated that he does not know if this would increase the sewer and water rates.

Council Member Fearey

Council Member Fearey stated that there is a deferral process that his sister could look into and might qualify for.

Motion--
--carried

Fearey moved that the Project be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-547

Resolution of findings of advisability and Resolution authorizing construction of Lateral 149, Main 4, Sanitary Sewer No. 23 (north of 31st Street North, east of Hood) 468-84061, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RECESS

Motion--
--carried

Mayans moved that the Council recess at 12:22 p.m. and return to the City Council Chambers at 2:30 p.m. Motion carried 7 to 0.

RECONVENE

The City Council reconvened in the Council Chambers at 2:48 p.m. Mayor Mayans announced that they would now take up New Business Items 30 and 32. (Shown in agenda order).

PLANNING AGENDA

Motion-- carried

Mayans moved to approve Planning Consent Items 36 through 43 . Motion carried 7 to 0.

(Item 34)

CUP2005-00040

CUP2005-00040-DP23 AMENDMENT NO. 15-AMEND MARINA LAKE DEVELOPMENT COMMUNITY UNIT PLAN FOR PARCEL 10 TO INCREASE GROSS FLOOR AREA, USES AND THE LOCATION OF RESTAURANT DRIVE-THROUGH WINDOWS ON PROPERTY ZONED LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH 1/3 MILE WEST OF AMIDON. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0990

MAPC Recommendations: Approve, subject to staff recommendations with the exception of the masonry wall on the south side, (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations and to include a solid masonry wall to extend along the south edge of development site from west edge of premises, (7-3).

The applicant is requesting to amend Parcel 10, zoned "LC" Limited Commercial, of DP-23 Marina Lake Development Community Unit Plan (CUP). The amendment would increase gross floor area and maximum building coverage from 8,000 square feet to 10,000 square feet. Retail, general, would be added as a permitted use, and a restriction on drive-through windows would be removed.

The increase from 8,000 square feet to 10,000 square feet is a 20 percent increase in maximum building coverage. This exceeds the maximum 10 percent increase that can be granted administratively. If granted by amendment, the maximum building coverage would increase from 11 to 13 percent, which still is low compared to typical CUP building coverage rates of 25 to 30 percent. But, this site could not sustain a typical coverage rate due to the steep slope of the southern 1/3 of the parcel. The requested 13 percent seems to allow a sufficient pad site located north of the steeply sloped rear portion of the site for the 10,000 square foot building plus parking and landscaping.

The current use provisions for the parcel are: "Proposed Uses: financial services, office and restaurant (including drive-in or drive-through restaurant). Only one restaurant with drive-in or drive-through facilities is permitted on the parcel, and it must be located on the eastern 135 feet of the parcel." Other parcel provisions are a maximum of three buildings and signage per Wichita Sign Code for the "NR" Neighborhood Retail District.

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The restriction on drive-through windows was added as a condition of approval for Amendment #14 by MAPC when development of the site was considered previously. The restriction was to keep noise, lights and queuing traffic away from the apartment buildings located about 105 feet (northernmost building) and 125 feet (other buildings) west of the property line. If this restriction is lifted, new protections on screening, noise and lighting should replace the distance requirement.

Parcel 10 is vacant. The amendment is requested to allow construction of a 10,000 square foot strip commercial building. Proposed tenants are a pharmacy with a drive-through window on the eastern end of the building, a restaurant with a drive-through window on the western end of the building, and several tenants between.

The parcel was created in 1998 from a filled-in portion of a sand pit and was previously zoned "SF-6" Single-family Residential when the residential uses to the north, west and south were developed. Pelican Point, an apartment complex zoned B" Multi-family Residential adjoins the site on the west. Pelican Point is Parcel 7 of DP-23. Marina Lake borders the site on the south. Marina Lake is a "Reserve", zoned "SF-5" and is Parcel 11 of DP-23. More apartments (zoned "B") are located on Parcel 8, south of Marina Lake. Benjamin Hills, a single-family residential neighborhood zoned "SF-5" Single-family Residential, is located directly across 21st Street North from the site. "LC" Limited Commercial property is located to the east and northeast. Currently, the west half of the adjoining "LC" tract has been vacant since a fire destroyed Braum's several years ago.

At the District VI Advisory Board meeting held on September 12, 2005, adequate screening for the Marina Lake Apartment development south of Marina Lake was discussed. The CUP required landscaping instead of the customary Unified Zoning Code solid masonry wall to separate the adjacent commercial tracts (Parcels 4 and 5) from the residential zoning. The property owner to the south has indicated that these buffering requirements have not eliminated the view of service activities and the trash to the lake and apartments. A second concern, that the queuing for the requested drive-through restaurant on the west end of Parcel 10 would shine headlights directly across the lake into the apartments, was also discussed by the DAB.

At the MAPC meeting held September 22, 2005, MAPC discussed the addition of the masonry-screening wall. Staff explained that the parcel slopes steeply toward the lake and the southern portion of the parcel will not be used for building site, or parking and circulation drives. The DAB recommendation was to locate the masonry wall along the south edge of the portion of the parcel included in the building site and parking and circulation drives. MAPC members noted that the site was buffered from the apartments to the south by the lake and vegetation, and that the commercial properties to the east do not have a masonry wall requirement. A citizen representing the apartments to the south was present and spoke. She expressed concern about screening and preventing trash from the site being blown into the lake.

MAPC recommended the amendment be approved subject to the following conditions:

1. Maintain requirement and guarantee for installation of center left-turn lane on 21st Street North per Amendment #14, that states: "The applicant shall guarantee the construction of a left turn lane along 21st St. North from the west property line of this application area to the east end of the median shown on the applicant's site plan, the construction of the lane triggered by development which generates more than 1,000 average daily trips in and out of the proposed new driveway.
2. Parcel #10 shall be amended as follows (portions with changes in bold):
 - A. Net Area: 75,808 square feet or 1.74 acres
 - B. Maximum Building Coverage: 13.2 % or 10,000 square feet
 - C. Gross Floor Area: 10,000 square feet
 - D. Floor Area Percentage: 13.2 %
 - E. Maximum Building Height: 35 feet
 - F. Proposed Uses: Financial services, office, retail, general, and restaurant (including drive-in or drive-through restaurant). Only one restaurant with drive-in or drive-through facilities is permitted on the eastern 135 feet of the parcel; one restaurant with drive-through facilities only (no drive-in facilities) shall be permitted on the western 195 feet of the property only in compliance with the following provisions:

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- (1) Cross-lot access shall be required between Parcel 5 and Parcel 10. Pedestrian connection shall be required from the building on Parcel 5 to the arterial sidewalk on 21st Street North.
 - (2) A site plan for all of Parcel 10 shall be reviewed and approved by the Traffic Engineer for provision of adequate circulation, queuing and pedestrian connection prior to issuance of any building permit on the parcel.
 - (3) Lighting, including poles, lights and fixtures, and including wall-mounted lighting shall be limited to 20 feet in height within 100 feet of the west parcel line, and shall be shielded to prevent light trespass on adjoining properties to the west and north, in addition to compliance with Article IV, Sec. IV-B of the Unified Zoning Code.
 - (4) A screening wall between six and eight feet in height constructed of brick, stone, masonry, architectural tile or other similar materials (not including wood or woven wire) in compliance with Article III, Sec. III-C.2.b(2)(d) shall be installed along the northern 150 feet of the west property line of Parcel 10.
 - (5) Landscaping shall be per the City of Wichita Landscape Ordinance for the landscaped street yard and parking lot landscaping along 21st Street North and the buffering on the common property line to Parcel 7 to the west. Landscaping for the south property line shall be the same requirement as for Parcels 1-7, General Provision #2. The landscape plan prepared by a Kansas Landscape Architect shall be submitted and approved prior to issuance of any building permit.
 - a. Screening of mechanical equipment and outdoor work and storage areas shall be provided per Article IV, Sec. IV-B.3.b of the UZC. For purposes of this requirement, Parcels 7 and 8 and Parcel 11 shall be considered one parcel.
 - b. The speaker order board shall not project sound so as to be audible from the apartment buildings to the west or any other residential use in the vicinity and be in compliance with Art. IV, Sec. IV-C.6.
 - (6) Maximum number of buildings: 3
 - (7) Signs shall be limited to the signs permitted in the "NR" Neighborhood Retail District.
3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 5. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning the request shall be considered denied and closed.

The request is being appealed to the Governing Body by the Planning Director in order to review the modification of the screening wall requirements of Art., Sec. III-C.2.b(2)(d) of the Unified Zoning Code. Waivers or modifications to Unified Zoning Code screening requirements for community unit plans are permitted per Art. III, Sec. III-C.2.d by the MAPC or Governing Body where the objectives of the Comprehensive Plan and good planning practices are furthered, the specific reasons for such modification is set out, and the modification or waiver meets the criteria and purpose of Art.III, Sec. III-C.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved to concur with the findings of the MAPC and approve Amendment #15; and add the additional recommended Staff condition of F-4 from the DAB for the south screening wall. Motion carried 7 to 0.

--carried

(Item 35)

ZON2005-00033

ZON2005-00033-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE. GENERALLY LOCATED WEST OF TYLER AND SECOND STREET INTERSECTION, 303 NORTH TYLER. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

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Agenda Report No. 05-0991

MAPC Recommendations: Approve, subject to a 20-foot contingent dedication and right-in/right-out only on the access, vote (9-3).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Deny, vote 9-0.

The applicant requests NO Neighborhood Office zoning on a .4-acre site, currently zoned SF-5 Single-family Residential. The proposed use is a neighborhood office building; the site is generally located west of the Tyler and 2nd Street intersection. The site is currently developed with a 1,846 square-foot house. North, south and west of the application area are SF-5 zoned single-family residences. East of the site, across Tyler, is an SF-5 zoned middle school, and an NO zoned dental office at the Tyler and 2nd Street intersection. The application area is approximately ½ mile south of Central, and ½ mile north of Maple; LC Limited Commercial zoning and development exists at these two corners. All previous residential home rezoning on this section of Tyler have been at corner locations or abutting commercial zoning.

District Advisory Board (DAB) V heard this request on September 6, 2005 and no citizen's spoke regarding the request. The DAB voted 7-0 to recommend denial of the request. The MAPC heard this request on September 22, 2005 and no citizen's spoke regarding the request. The action of the MAPC was to approve the request, subject to a contingent right-of-way dedication of 20 feet, and subject to right-in right-out only access.

Two right-in right-out configuration site plans were submitted by the agent for this request. The first, with a greater drive separation, was submitted to the Traffic Engineer prior to the MAPC hearing on September 22, 2005. The second, with a more narrow drive separation, was submitted to MAPC on September 22, 2005. The agent for the applicant has indicated that he wishes to defer to the Traffic Engineer's recommendation of a greater separation between drives.

The applicant submitted a roster and letter of support reflecting four nearby properties. Two neighbors with traffic/safety concerns contacted staff opposed to the request.

The resolution has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Larry Underhill

Mr. Underhill stated that he is trying to rezone this property and owns three offices in west Wichita and have three licensed sales assistances and have three office staff employees. Stated that his intention on this rezoning request is to work out of this facility and it will not be a location where they will have customers coming in and out of. Stated it will be for his staff and him to work out of and will be closed on Saturdays and Sundays.

Council Member Martz

Council Member Martz stated that he has been opposed to mid-block changes of zoning even though some of the neighbors have said that they agree to this, it is still mid-block. Stated that the DAB had recommended denial, MAPD had recommended denial and he is also opposed to mid-block zone changes.

Motion--carried

Martz moved that the request be denied. Motion carried 7 to 0.

HISTORIC PRESERV. AUTHORIZE SUBMISSION OF HISTORIC PRESERVATION FUND GRANT PROPOSAL FY 2005. (DISTRICT VI)

Agenda Report No. 05-0992

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of our built environment and archaeological resources. Each year the State Historic Preservation Office identifies priority projects.

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This grant proposals meet the top two priorities established for the FY 2006 preservation grant funds. City Council action is needed to authorize the City Manager to sign the assurances required for submission of the grant proposal.

The grant is to provide funding to hire a consultant to complete an historic inventory survey of approximately 365 structures within the historic Central Business District in an area bounded by Waco on the west, Douglas on the south, Santa Fe on the east and Central on the north. The survey area also includes all structures on the north side of Central between Waco and Santa Fe. This project was identified by the Historic Preservation Board in their annual program of work.

HPF grants require a 40 percent match of the total project cost. The total cost is \$33,840 with federal grant funds of \$22,200 and a City match of \$13,640. City match is provided through staff time, there is no actual cash match.

The City of Wichita Historic Preservation Office annually submits grant proposals to fund projects that promote the goals outlined in the City of Wichita Historic Preservation Plan. The grant proposals fund projects that are not included in the Historic Preservation Office annual City budget.

Grant projects will not be undertaken until programmatic agreements have been executed with the State Historic Preservation Office

There is no actual cash match. City match is provided by documented staff hours, which is recorded as cash match on the application.

Motion--

--carried

Mayans moved that the submission of the grant proposals for FY2006 Historic Preservation Fund Grant through the Kansas State Historical Society and authorize the City Manager to sign the grant application and assurance documents be authorized. Motion carried 7 to 0.

PUD2005-00004

PUD2005-00004-CREATION OF THE 21ST STREET KIDS AND FAMILY EMPOWERMENT PLANNED UNIT DEVELOPMENT WITH FOUR PARCELS. GENERALLY LOCATED 1/8 MILE NORTH OF 21ST STREET NORTH, EAST AND WEST OF JARDINE DRIVE. (DISTRICT I)

Agenda Report No. 05-0993

MAPC Recommendations: Approve, subject to staff recommendations, (11-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations, (8-0).

The 21st Street Kids and Family Empowerment Planned Unit Development (PUD) would consist of a four-parcel development with several kinds of community facilities. The property is located in the area between 21st Street North and 25th Street North on both sides of Jardine Drive. Jardine Drive is a parkway with a landscaped area approximately 70 feet wide that runs northward ¼ mile and terminates with a loop. Traffic will be one-way on each leg of the Jardine parkway.

Parcel 1 is located east of Jardine Drive and is 5.35 acres in size. The TOP Facility, a proposed preschool center, is the intended use for the site. Parcel 2 is located west of Jardine Drive and directly across from Parcel 1. It is 4.23 acres and would allow a range of community type uses, including governmental services, recreational uses, general day care, and community assembly. A specific use is not identified for the site. Parcel 3 is located on the turnaround loop of Jardine Drive and is 5.58 acres in size. The new Boys and Girls Club is the intended use of this site, and the parcel would also allow governmental services, recreational uses, general day care and community assembly. Parcel 4, which is 8.87 acres in size, has its access only from 25th Street North. Possible uses include governmental services, recreation uses, school and community assembly.

Reserve "A" is the small parkway area abutting 21st Street North and is about 1/8 mile south of the main development parcels. Reserve "A" is intended for open space, signage, landscaping and

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sidewalks. Reserve "B" is a 1.78-acre tract inside the parkway that is intended for open space, landscaping, monument signage, picnic and pavilion use.

The PUD provides architectural compatibility among the parcels with exterior building materials of stone, stucco, brick or wood. It provides for landscaping buffer along the edge of the PUD, along the streets and within parking lots. Light fixtures are to have consistent design, be shielded to prevent light spillage into adjacent residential areas; additionally, the height of lighting fixtures is restricted to 14 feet within 100 feet of residential zoning. Maximum building height would be 35 feet. Maximum building coverage would be 30 percent. Parking requirements are per code.

Setbacks are 35 feet for the perimeter property lines, 10 feet along Jardine Drive for Parcel 1 and Parcel 2, and 20 feet along Jardine Drive in the front of Parcel 3. These setbacks along Jardine Drive are narrower than standard Unified Zoning Code requirements. The advantage of the PUD is to allow this type of flexibility. It allows better utilization of the narrow lots and brings the buildings closer to the drive and parkway. Vehicle drop-offs are provided, and the narrower setbacks are better designed to encourage pedestrian traffic in the development. The placement of the parking lot to the side rather than in the front of the day care center enhances the site for maximum utilization of a narrow tract, encourages pedestrian access, and enhances the visual appearance since the building increases in prominence with respect to the parking.

Internal access for Parcels 1, 2 and 3 is via the one-way divided Jardine Drive parkway opening onto 21st Street North. A narrower pavement width of 21 feet back of curb to back of curb is requested to maintain the character of the parkway and a mature stand of existing trees. On-street perpendicular or angle parking is requested to provide short-term parking near building entrances. In the original development, 24th Street North bisected the property to connect it with the residential development to the east and west, but this connection was only used on the west, perhaps because of the steep grade on the east side. The 24th Street connection has been blocked and would not be reopened.

Parcel 4 requests two openings onto 25th Street North.

Pedestrian circulation is shown along the outside of Jardine Drive and crossing over the parkway near the northern edge of Parcels 1 and 2. Additional crossings and detailed pedestrian connections will be reviewed during the building permit process, with consideration of potential connections at the points of 23rd Street and 24th Street in the adjacent neighborhoods.

Requested ground signage for Reserve "A" and Reserve "B" is one monument sign 25 feet in height and 250 square feet in maximum sign face area. For Parcels 1-4, it is one monument sign with a maximum height of 15 feet and maximum sign face area of 150 square feet per parcel. Building signage is requested per Wichita Sign Code for the "GO" General Office. Off-site and portable signs are prohibited.

The property formerly was known as the Institute of Logopedics, then Heartspring, agencies that provided services for children with disabilities. Most of the site has been vacant since Heartspring relocated in the mid-1990s. A few of the courtyard residential cottages that originally flanked Jardine Drive remain onsite, but will be removed for the day care center. The main building was located on the area designated as Parcel 3. Parcel 4 has been vacant since the 1950s.

Other uses in the vicinity include the Cessna 21st Street Learning Center and Sub-assembly Facility (adult job training) located on 21st Street North along the both sides of Jardine. The Cessna training sites are zoned "LC" on east and "GC" on the west. The rest of the surrounding area is developed with "SF-5" Single-family Residential housing except for a strip of four-plexes to the east of Parcel 1 that are zoned "MF-29" Multi-family Residential. A church is located to the northeast on property zoned "LC" Limited Commercial.

At the District I Advisory Board meeting held October 3, 2005, DAB I voted (8-0) to approve subject to staff recommendations. One concern discussed was fencing off the streets across the site, but allowing pedestrian access. Other concerns included if the signage was appropriate and whether the neighbors had been notified. Planning staff indicated that the signage was appropriate for the types of uses

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envisioned and that property owners within 1,000 feet of the site had been notified. Another concern was if additional property was being acquired by the city for the project. Staff said this is not the case.

At the MAPC meeting held September 22, 2005, MAPC voted (11-0) to approve subject to staff recommendations. Citizens raised similar questions about pedestrian access through the site and if the city was acquiring additional property. Again, staff said no additional property was involved except that shown within the boundaries of the PUD and that pedestrian access would be accommodated.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted; the PUD subject to the condition of platting within one year and the recommended conditions approved; the Planning Department instructed to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds.

--carried

Motion carried 7 to 0.

VAC2005-33

VAC2005-33-REQUEST TO VACATE A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT. GENERALLY LOCATED EAST OF HILLSIDE AVENUE AND NORTH OF FIRST STREET. (DISTRICT II)

Agenda Report No. 05-0994

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant, USD 259, is requesting consideration for the vacation of one of the 20-foot utility easements dedicated by separate instrument, located on Lots 3 & 4, the College Hill Addition. A change in the building plans for improvements to the elementary school, including a private sewer line (approved by the Water & Sewer Department), has made the easement not needed. There are no water lines, sewer lines or other utilities in the easement, nor is there a future need by utilities for the easement. The College Hill Addition was recorded with the Register of Deeds on September 30, 1884.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

S/D98-14

S/D98-14-PLAT OF BSF SECOND ADDITION, LOCATED ON THE SOUTHWEST CORNER OF 47TH STREET SOUTH AND WOODLAWN. (DISTRICT IV)

Agenda Report No. 05-0995

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of two lots on 13.8 acres, is located in the County within three miles of Wichita's city limits. This site is zoned SF-20, Single-Family Residential District.

County Code Enforcement has approved on-site sewerage and water well facilities. This site is within the noise impact area of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant were submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

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The Certificate of Petitions, Restrictive Covenants and Avigational Easement. (D17688) will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

SUB2005-62

SUB2005-62-PLAT OF THE TIMBERLANDS ADDITION, LOCATED NORTH OF HARRY AND ON THE WEST SIDE OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0996

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-2) 98

This site, consisting of 21 lots on 11.14 acres, is located in Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer and water improvements. A Restrictive Covenant was submitted to provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-548

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90125 (north of Harry, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-549

Resolution of findings of advisability and Resolution authorizing construction of Lateral 385, Four Mile Creek Sewer 468-84093 (north of Harry, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-550

Resolution of findings of advisability and Resolution authorizing constructing pavement on Zimmerly Court serving Lots 1 through 11, Block 2, from the north line of Zimmerly to and including the cul-de-sac, 472-84297 (north of Harry, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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SUB2005-68

SUB2005-68-PLAT OF AUBURN HILLS 16TH ADDITION, LOCATED ON THE SOUTH SIDE OF MAPLE AND EAST OF 151ST STREET WEST. (DISTRICT V)

Agenda Report No. 05-0997

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 219 lots on 139.69 acres, is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and clubhouse improvements. Restrictive Covenants were submitted to 1) provide for the creation of a Lot Owners' Association for the ownership and maintenance of the reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. As requested by City Engineering, an Off-site Drainage Easement has also been submitted.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants and Off-site Drainage Easement (**D17687**) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the Resolutions adopted and the necessary signatures for approval of the plat and the City's ownership interest authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-551

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System 448-90121 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-552

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90122 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-553

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90123 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 05-554

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90124 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-555

Resolution of findings of advisability and Resolution authorizing construction of Lateral 50, Cowskin Interceptor Sewer, 468-84090 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-556

Resolution of findings of advisability and Resolution authorizing construction of Lateral 51, Cowskin Interceptor Sewer, 468-84091 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-557

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 278, 468-84092 (south of Maple, east of 151st Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-558

Resolution of findings of advisability and Resolution authorizing constructing pavement on Onewood from the east line of the Plat, west to the east line of Fawnwood, on Fawnwood from the north line of Lot 11, Block A, south to the south line of the Plat, on Moscelyn and Moscelyn ct. from the west line of Fawnwood, west to the west line of the Plat, and on City View and City View Cir. from the south line of Onewood, south and west to and including cul-de-sac and on City View Ct. from the west line of City View, west to and including the cul-de-sac and that sidewalk be constructed on Onewood, Fawnwood, Moscelyn and City View, 472-84290 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-559

Resolution of findings of advisability and Resolution authorizing constructing pavement on Fawnwood from the north line of Lot 11, Block A, north to the north line of Lot 21, Block A, on Hayden, from the east line of Fawnwood, east and north to the south line of Valley Hi Road, and on Valley Hi Road from the west line of Hayden, east to the east line of the Plat and on McCormick Cir. (Lots 12 through 20, Block A), from the west line of Fawnwood, west to and including the cul-de-sac, and on McCormick Cir. (Lots 4 through 20, Block E) from the east line of Fawnwood, east to and including the cul-de-sac and that sidewalk be constructed on Fawnwood, Hayden, and Valley Hi Road, 472-84291 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 05-560

Resolution of findings of advisability and Resolution authorizing constructing pavement on Fawnwood from the north line of Valley Hi Road, north to the north line of Lot 39, Block A, on Valley Hi Road and Valley Hi Cir. from the west line of Hayden, west to and including the cul-de-sac; and on Fawnwood from the north line of Lot 21, Block A, north to the south line of Valley Hi Road and on Valley Hi Ct. (Lots 4 through 17, Block G), from the north line of Valley Hi Road, north to and including the cul-de-sac, and on Valley Hi Ct. (Lots 18 through 28, Block G) from the north line of Valley Hi Road, north to and including the cul-de-sac and that sidewalk be constructed on Fawnwood and Valley Hi Road 472-84292 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-561

Resolution of findings of advisability and Resolution authorizing constructing pavement on Fawnwood from the north line of lot 39, Block A, north to the north line of the Plat, and on Fawnwood Ct. (Lots 65 through 73, Block A), from the west line of Fawnwood, west to and including the cul-de-sac and on Fawnwood Ct. (Lots 39 through 48, Block A), from the west line of Fawnwood, west to and including the cul-de-sac, on Fawnwood Ct. (Lots 49 through 61, Block A), from the west line of Fawnwood, west to and including the cul-de-sac, on Fawnwood Ct. (Lots 34 through 40, Block G), from the east line of Fawnwood, east to and including the cul-de-sac; and on Fawnwood Ct. (Lots 41 through 46, Block G), from the east line of Fawnwood, east to and including the cul-de-sac and that sidewalk be constructed on Fawnwood, 472-84293 (south of Maple, east of 151st Street West) , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-566

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 2, Cowskin Interceptor Sewer (south of Maple, east of 151st Street West, 468-84089, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-85

SUB2005-85-PLAT OF AUBURN HILLS COMMERCIAL FOURTH ADDITION, LOCATED EAST OF 135TH STREET WEST AND ON THE SOUTH SIDE OF MAPLE. (DISTRICT V)

Agenda Report No. 05-0998

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of one lot on 4.64 acres, is a replat of Auburn Hills Commercial Third Addition and is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District. A Protective Overlay (PO #130) was approved for this site, and a Notice of Protective Overlay has been submitted identifying the approved PO and its special conditions for development on this property.

Municipal services are available to serve the site. Petitions, 100 percent, and a Certificate of Petitions have been submitted for drainage and water improvements. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association to provide for the ownership and maintenance of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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The Notice of Protective Overlay, Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-562

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90138 (east of 135th Street West, south of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-563

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 279, 468-84108 (east of 135th Street West, south of Maple), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-105

SUB2005-105-PLAT OF EBERLY FARMS OFFICE PARK ADDITION, LOCATED EAST OF 135TH STREET WEST AND ON THE SOUTH SIDE OF 21ST STREET NORTH. (COUNTY)

Agenda Report No. 05-0999

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

The site has been approved for a county zone change (ZON 2005-30) from SF-20, Single-Family Residential District to GO, General Office District. A Protective Overlay (PO #161) was approved for this site, and a Notice of Protective Overlay has been submitted addressing uses.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and water improvements. Paving improvements will be handled by the County. The applicant has submitted an Outside-the-City Water Agreement. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association that will provide for the ownership and maintenance of the reserves being platted for drainage purposes. In order to guarantee the closure of driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Notice of Protective Overlay, Certificate of Petitions, Outside-the-City Water Agreement, Restrictive Covenant and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-564

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90140 (east of 135th Street West, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-565

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 3, Northwest Interceptor Sewer, 468-84109 (east of 135th Street West, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

AIRPORT AGENDA

Motion--carried Mayans moved that the Airport Agenda Consent items be approved. Motion carried 7 to 0.

MIDFIELD ROAD MIDFIELD ROAD SITE DEVELOPMENT, ELECTRICAL SERVICES-CHANGE ORDER 1.

Agenda Report No. 05-1000

On May 3, 2005 the Wichita Airport Authority approved a contract with Shelley Electrical to provide Electrical Services to accommodate development adjacent to Midfield Road.

A final Change Order has been prepared to add work to an existing manhole.

The cost of the Change Order is \$1,159 and is within the approved budget. Total Change Orders are approximately one-percent of the total contract amount.

The Law Department has approved the Change Order.

Motion-- Mayans moved that the Change Order be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

FARMING LIC. FARMING LICENSE AGREEMENT-JABARA AIRPORT.

Agenda Report No. 05-1001

This property, consisting of 20.406 acres, was acquired to prevent further development in the Runway Protection Zone and/or the Runway Approach Protection area as defined for Colonel James Jabara Airport. The land is zoned Rural Residential and was in agricultural use at the time of purchase.

Past practice has been to allow acquired property to be farmed by the individual who was farming the property prior to the WAA's purchase. The term of the license agreement is through the day following the last day of harvesting the crops or August 1, 2007, whichever comes first. The agreement may be cancelled by the WAA with a 10-day written notice to the Licensee if the property is needed for airport development.

The Law Department has approved the license as to form.

Motion-- Mayans moved that the farming license be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

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APPOINTMENTS

BOARD APPOINTMENTS.

Council Member Gray Council Member Gray requested to appoint David Urban to the Board of Electrical Zoning Appeals.

Motion--carried Mayans moved that the appointment be made. Motion carried 7 to 0.

JUDGES

APPOINTMENT OF MUNICIPAL COURT JUDGES.

Council Member Brewer Council Member Brewer reviewed the item.

Agenda Report No. 05-1002

Charter Ordinance No. 186 provides that the City Council has the discretion to consider whether to reappoint incumbent municipal court judges for another term of office without referral to the municipal court judge nominating commission. Charter Ordinance No. 186 authorizes formalized policies and procedures to evaluate the performance and reappointment of incumbent municipal court judges. Further, Charter Ordinance No. 135 provides that the City Council has the authority to designate a presiding judge in charge of the administration of the judicial functions of the court.

Pursuant to Charter Ordinance No. 186, the City Council may reappoint the five incumbent judges to fill the term of office that officially commenced on the third Tuesday of April 2005 and expires on the third Tuesday of April 2009. The term of office of the incumbent municipal court judges expired on April 19, 2005, however, the service of the judges continued until they were reappointed or a successor was appointed, pursuant to the carry over provisions of Charter Ordinance No. 186.

The City Council has the authority to appoint qualified attorneys to serve as municipal court judges and appoint an administrative judge.

Motion-- Brewer moved that the City Council appoint the incumbent Municipal Court Judges Jennifer Jones, Bruce Brown, Jennifer Lind-Spahn, Bruce Abbott and Richard Shull to serve another four years of office at the beginning of such term retroactive to the third Tuesday of April 2005 and expiring on the third Tuesday of April 2009 and appoint Jennifer Jones as administrative judge for a four year term of office with the beginning of such term retroactive to the third Tuesday of April 2005 and expiring on the third Tuesday of 2009. Motion carried 7 to 0.

--carried

EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess into Executive Session at 3:15 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice and contract negotiations and that the Council return from Executive Session no earlier than 3:45 p.m. and reconvene in the City Council Chamber of City Hall.

--carried Motion carried 7 to 0.

RECONVENE

The Council reconvened in the Council Chambers at 3:55 p.m. and Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 3:55 p.m. to adjourn the Executive Session. Motion carried 4 to 0, (Fearey, Brewer and Martz absent)

Motion--carried Mayans moved at 3:56 p.m. to adjourn the regular meeting. Motion carried 4 to 0, (Fearey, Brewer and Martz absent).

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Adjournment

The meeting adjourned at 3:56 p.m.

Respectfully submitted,

Karen Sublett
City Clerk